

Patent
Attorney Docket: 5733 CON2
(formerly 269/205)

REMARKS

Reconsideration of the rejections set forth in the Final Office Action mailed January 14, 2005, is respectfully requested. Claim 15 has been newly added. Support for this amendment can be found in the specification at, e.g., page 5, line 12 – page 6, line 23, page 16, line 21 – page 17, line 14, and Fig. 16. Therefore, this amendment is being made without the addition of new matter. Claims 1-15 remain pending.

Art Rejections

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Yadav et al. (U.S. Patent No. 6,391,044). Claims 11-14 are rejected under 35 U.S.C. § 103(a) as being as being allegedly unpatentable over Yadav et al.

The Examiner has taken the position that “in comparison of Fig. 11 of the present invention to Fig. 14-15 and especially Fig. 21 of Yadav-‘044, it is reasonable to conclude that at least Yadav filters shown in Fig. 14-15 and 21, for example, include ‘a general scallop shape.’ Therefore, the above rejection is applicable to the claims.” (Office Action, page 4) Applicants respectfully direct the examiner’s attention to Figures 16A and 16B of the present application, which illustrate a filter membrane having a generally scalloped edge. Claims 1 and 6 are directed to the Figures 16A and 16B. As argued previously, Applicants respectfully assert that Yadav et al. does not teach or suggest a filter system wherein the free end of the filter membrane “*has a generally scalloped shape,*” as required by both independent claims 1 and 6.

Claims 1 and 6 are therefore patentably distinct from the cited art. Claims 2-5 and 7-14 are dependent on claims 1 and 6, respectively, and are therefore patentably distinct from the cited art for

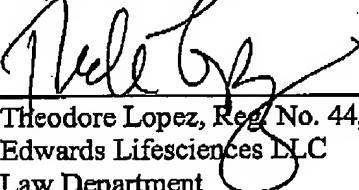
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the same reasons applicable to claims 1 and 6. Therefore, Applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

Claim 15 is similar to claim 1, except that it specifies that the pore size of the porous mesh is "about 500 microns or less." Therefore, claim 15 is patentably distinct for the same reasons applicable to claim 1.

For the above reasons, Applicants submit that claims 1-15 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at 949-250-6856 is welcomed and encouraged.

Respectfully submitted,


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